

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1, 2, 4-14, 16-18, 20-36, and 38-56 are pending in the application, with claims 1, 5, 6, 9, 11, 20, 24, 26, 29, 31, and 40 being the independent claims. Claims 3, 15, 19, and 37 were previously cancelled without prejudice to or disclaimer of the subject matter therein. Claims 5, 6, 24-36, 38, 39, 54, and 55 are sought to be amended for clarity. These amendments should be entered after final because they do not require further search or consideration by the Examiner and they place the claims in condition for allowance. Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objection to the Specification

The disclosure is objected to because of the following informalities: The Examiner, at page 2 of the Office Action, states that Applicant's specification fails to describe examples of "tangible computer-readable media." As noted by the Examiner, examples of computer readable media and computer readable storage media are described and defined in the instant specification (Office Action, pages 2 and 3). Merely in order to expedite prosecution, Applicant submits herewith amendments to the specification and claims to address the Examiner's concerns.

Objection to the Claims

Claims 54 and 55 were objected to because of the following informalities: the claims each recite a "computer readable storage medium," however the respective base claims, independent claims 24 and 31, each recite a "tangible computer-readable medium." Claims 24, 31, 54, and 55 as amended herein are directed to computer-readable storage media, as suggested by the Examiner on page 2 of the Office Action.

Allowable Subject Matter

The Examiner is thanked for the indication, at pages 1 and 6 of the Office Action, that claims 1, 2, 4, 7-14, 16-18, 20-23, 40-53, and 56 are allowed.

Rejections under 35 U.S.C. § 101

Claims 24-36, 38, and 39 were rejected under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter. Although Applicant believes claims 24-36, 38, and 39 as previously pending in the application recite patentable subject matter, Applicant has amended claims 24-36, 38, and 39 merely in order to expedite prosecution without conceding the propriety of the rejection.

Claims 24-36, 38, and 39 are amended to recite computer readable storage media, as suggested by the Examiner on page 2 of the Office Action. Support for these amendments is found at least at, for example, Figure 1D and paragraphs [0049], [0050], and [0156] of the instant specification.

Claims 24-36, 38, and 39 as amended herein recite statutory subject matter. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections of claims 24-36, 38, and 39 under 35 U.S.C. § 101.

Rejections under 35 U.S.C. § 103

The Examiner, at page 3 of the Office Action, rejected claims 5, 6 and 26-28 under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,223,285 to Komuro *et al.* ("Komuro") in view of U.S. Patent No. 6,862,103 to Miura *et al.* ("Miura"). Applicant respectfully traverses this rejection for the reasons stated below.

Claims 5 and 6 as amended herein recite computer implemented methods for securing a file comprising "determining if the file stored in a file system and being accessed includes a header, wherein existence of the header indicates that the file is secured, wherein the header includes a file key, the file key is encrypted with a user key, and the user key is different from the file key" and "determining if the file stored in a file system and being accessed has a flag, wherein existence of the flag indicates that the file is secured, wherein the file includes a header having a file key, the file key is encrypted with a user key, and the user key is different from the file key", respectively. Independent claim 26 as amended herein recites similar features of "determining if the file stored in a file system and being accessed includes a header, wherein existence of the header indicates that the file is secured, wherein the header includes a file key, the file key is encrypted with a user key, and the user key is different from the file key".

Komuro does not disclose, teach, or suggest at least the features of "wherein the header includes a file key, the file key is encrypted with a user key, and the user key is

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different from the file key" or "wherein the file includes a header having a file key, the file key is encrypted with a user key, and the user key is different from the file key". In contrast to above-noted features of independent claims 5, 6 and 26, Komuro discusses a method that explicitly does not encrypt a header (Komuro, col. 7, lines 5-9). For example, lines 5-9 of column 7 of Komuro read:

It is appreciated that while the present invention encrypts the data portion 220 of packet 200 (if in EMI mode A or EMI mode B), *the header sections 230 and 240 remain unencrypted* when transmitted over the IEEE 1394 interface 125 (FIG. 3).

(emphasis added)

Komuro also fails to teach or suggest "determining if the file stored in a file system and being accessed includes a header, wherein existence of the header indicates that the file is secured" or "determining if the file stored in a file system and being accessed has a flag, wherein existence of the flag indicates that the file is secured", as recited, using respective language, in claims 5, 6, and 26. In contrast, Komuro describes a method in which "the data field starts with a CIP header" (Komuro, column 6, lines 61-62 and FIG. 4). Thus, in Komuro's method, an information packet unconditionally includes a "CIP header", regardless of whether the file is secured or not (Komuro, col. 6, lines 27-33 and 61-65). For example, lines 61-65 of column 6 of Komuro read:

Information packet 200 also contains a CIP header section 240. In accordance with the present invention, the CIP header section 240 contains an EMI field 210 that in one implementation is two bits wide and contains the EMI mode value as defined in Table I.

As Komuro discloses that an information packet always includes a header, whether or not the information packet is secured, Komuro teaches away from what is recited in claims 5, 6, and 26.

As acknowledged by the Examiner, Komuro fails to disclose "information within the header indicating that the file is secured." (Office Action, page 4). Rather, the Examiner relies on Miura to cure the deficiencies of Komuro.

Applicant respectfully submits that Miura fails to remedy the deficiencies of Komuro. Specifically, Applicant submits that Miura fails to disclose or suggest at least "wherein the file includes a header having a file key, the file key is encrypted with a user key, and the user key is different from the file key" or "wherein the header includes a file key, the file key is encrypted with a user key, and the user key is different from the file key" as recited, using respective language, in claims 5, 6, and 26. On page 4 of the Office Action, the Examiner asserts, which Applicant does not acquiesce to, that "[t]he teachings of Miura et al disclose of [sic] a flag within the header that indicate that the file is secured" and that "[i]t would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated [to] include lookup information within the header of a file that describes information contained within." Miura may generally describe that "received data consists of a header field 5710 indicating the internal structure of data" and that "header field 5710 has a flag area 5701 indicating whether or not the contents of the image field 5711 are encrypted" (Miura, column 29, lines 45-50 and FIG. 34). However, Miura is not stated by the Examiner to teach, nor does it teach or suggest, at least "wherein the file includes a header having a file key, the file key is encrypted with a user key, and the user key is different from the file key" or "wherein the header includes a file key, the file key is encrypted with a user key, and the user key is different from the file key", as recited, using respective language, in amended

claims 5, 6, and 26. Therefore, Miura cannot cure the deficiencies of Komuro, and cannot be used to establish a *prima facie* case of obviousness.

Moreover, as Komuro teaches away from what is recited in claims 5, 6, and 26 of the present application, Applicant submits that Komuro cannot be used to establish a *prima facie* case of obviousness for such features. See, M.P.E.P. §§ 2141.02 and 2145(X)(D)(2); *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988); *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 796 F.2d 443, 230 U.S.P.Q. 416 (Fed. Cir. 1986) (stating a reference should be considered as a whole, and portions arguing against or teaching away from the claims must be considered); *Gillette Co. v. S.C. Johnson & Son, Inc.*, 919 F.2d 720, 16 U.S.P.Q.2d 1933 (Fed. Cir. 1990) (stating the closest prior art should not be used because the closest prior art “would likely discourage the art worker from attempting the substitution suggested by the [inventor/patentee].”); *In re Gurley*, 27 F.3d 551, 31 U.S.P.Q.3d 1130 (Fed. Cir. 1994) (“A reference may be said to teach away when a person of ordinary skill, upon reading the reference, ...would be led in a direction divergent from the path that was taken by the applicant.”); *In re Geisler*, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed. Cir. 1997) (stating a *prima facie* case of obviousness may be rebutted by showing that the art, in any material respect, teaches away from the claimed invention).

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 5, 6 and 26, and they be found allowable over the applied references. Claims 27 and 28, which depend from independent claim 26, are allowable for at least being dependent from allowable claim 26, in addition to their own

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respective distinguishing features. See *In Re Fine*, 837 F.2d 1071 (Fed. Cir. 1988) and M.P.E.P. § 2143.03.

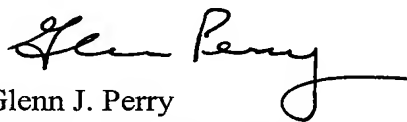
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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